

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. – OA 41 of 2020

Sk. Mithun Ali & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. S. Roy Chowdhury, Advocate.
<u>07</u> 15.03.2021	For the State Respondent	: Mr. G.P. Banerjee, Mrs. S. Agarwal, Advocates.

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

In this application, the applicants - Sk. Mithun Ali, Sudipta Samanta, Sujan Chandra and Sk. Sahaalam, the applicant nos. 1, 2, 3 and 4 respectively, have prayed for certain reliefs, the relevant portion of which is as under :

“.....(a) A direction do issue upon the concerned respondent authorities to forthwith cancel the merit list dated 25.09.2019 of the examination so held on 15.09.2018 and subsequent tests for the post of ‘Fire Operator’ being out and out illegal and to command them to act in accordance with law;

(b) A direction do issue upon the concerned respondent authorities to forthwith initiate a neutral probe into the complaints so made by the applicants, being Annexure-‘C’ herein by an independent body under the State.”

It is submitted by Mr. S. Roy Chowdhury, learned advocate for the

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applicants that since there are glaring discrepancies in the selection process, appropriate order, as prayed for, may be passed.

Relying on the application, Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits it is not at all clear whether Sk. Mithun Ali had applied for the post, as the admit card annexed at page 10 relates to selection process to the post of Sub-Inspector in the subordinate Food and Supplies Service Grade III and not the Fire Department. So far the applicant no. 3 - Sujan Chandra is concerned, no admit card has been annexed. Submission is it is not at all clear whether the representations appearing at pages 14 o 17 were served on the Fire and Emergency Services, as no seal of receipt is evident from the copies annexed. It is submitted by Mr. Banerjee that on instruction all the four candidates who had applied for the post of Fire Operator in the year 2018 were unsuccessful in the written examination.

In reply, it is submitted by Mr. Roy Chowdhury that due to error the admit card of Sk. Mithun Ali could not be annexed. So far as the four separate representations by the applicants are concerned an attempt was made to serve the respondents personally which was allegedly refused. On query he was unable to show any statement from the application about the said refusal.

Heard learned advocates for the parties. Since Sk. Mithun Ali has not annexed his admit card relating to participation to the post of Fire Operator held in the year 2018, no order can be passed in his favour. Since Sujan Chandra has not annexed his admit card at all, no order is passed in his favour. So far Sudipta Samanta, the applicant no. 2 and

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Sk. Sahaalam, the applicant no. 4 are concerned, looking at all the four representations by all the applicants as I find no statement has been made in the application as to the date when the representations were allegedly refused by the authorities and assuming it was refused as it was not subsequently sent by speed post, no order can be passed on the application. The application is dismissed.

(SOUMITRA PAL)
CHAIRMAN

Rajib